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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

Case No. 4:20-cv-05640-YGR-TSH

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,  
v.

APPLE INC.,

Defendant, Counterclaimant.

**EPIC GAMES, INC.'S  
ADMINISTRATIVE MOTION TO  
SEAL PORTIONS OF ITS FOUR-  
HOUR DEPOSITION  
DESIGNATIONS**

The Honorable Yvonne Gonzalez Rogers

Trial: May 3, 2021

Pursuant to Civil Local Rules 7-11 and 79-5(d) and (e), Plaintiff Epic Games, Inc. (“Epic”) hereby moves the Court to issue an administrative order on the filing under seal of certain portions of Epic’s Four-Hour Deposition Designations. In accordance with this Court’s Local Rules, a public redacted version of the Four Hour Deposition Designations has been filed using the ECF system for the Northern District of California.

Subsection (e) of Civil Local Rule 79-5 sets forth procedures that apply when a party seeks to file information designated as confidential by the opposing party. Under subsection (e), the submitting party’s “declaration in support of the Administrative Motion to File Under Seal must identify the document or portions thereof which contain the designated confidential material and identify the party that has designated the material as confidential (‘the Designating Party’)”. Pursuant to subsection (e)(1) of Local Rule 79-5, the Designating Party then has 4 days to file a declaration establishing that all of the designated material is “sealable”. *See* Local Rule 79-5(e); *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party “establishes that the documents, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law”. Civ. L.R. 79-5(b). “A strong presumption of access to judicial records applies fully to dispositive pleadings” and “‘compelling reasons’ must be shown to seal judicial records attached to a dispositive motion”. *Kamakana*, 447 F.3d at 1179.

The redacted portions, which are highlighted in the under seal version of the document submitted herewith, quote or reproduce discovery materials that Apple or third parties have designated as HIGHLY CONFIDENTIAL or CONFIDENTIAL pursuant to the Protective Order entered by the Court, see Dkt. No. 274. The affected parties and the corresponding deposition designations are identified in the Declaration of M. Brent Byars submitted herewith. As required by Civil Local Rule 79-5(e), Epic is serving Apple and such third parties with this Motion and its Declaration so that each may submit the required declaration establishing that the designated material is sealable.

1 Based on the foregoing, Epic respectfully requests that the Court issue an administrative  
2 order on the filing under seal of certain portions of Epic's Four-Hour Deposition Designations.

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4 Dated: April 27, 2021

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11 Respectfully submitted,

12 By: /s/ M. Brent Byars  
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